

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

----- x

UNITED STATES OF AMERICA, :

- v - :

13 Cr. 761 (VM)

YUDONG ZHU, :

Defendant. :

----- x

STATE OF NEW YORK )  
COUNTY OF NEW YORK ) ss.:  
SOUTHERN DISTRICT OF NEW YORK )

NICOLE DELTS, pursuant to Title 28, United States Code, Section 1746, hereby  
declares under penalty of perjury:

1. I am Assistant Director, Employee and Labor Relations at NYU Langone Medical Center ("NYULMC"). I have been employed in my current position at NYULMC since August 2007. In my capacity as Assistant Director, I am responsible for, among other things, enforcing and supervising the enforcement of various employment policies and practices at the Medical Center, as well as training employees regarding same.

2. NYULMC maintains several policies, procedures, and internal regulations that apply to all NYULMC employees. Most of these policies are contained in the Staff Handbook and the Code of Conduct, which are updated from time to time and distributed to all NYULMC employees when they are hired. The Staff Handbook and the Code of Conduct are also available

online on the NYULMC intranet, which is accessible to all NYULMC employees, and hard copies are available to any NYULMC employee upon request.

3. The Staff Handbook contains various policies concerning employees' use of NYULMC equipment, including its communications systems and computer systems. Among other things, the policy on Use of Computer Systems states:

Computers, e-mail systems, and electronic communications and equipment are the sole property of NYU Hospitals Center and/or NYU School of Medicine, and staff should not have any expectation of privacy. The Hospitals Center and the School of Medicine reserve the right to conduct spot audits and/or examinations of any Hospital- or School-owned computer or communications equipment, including those used at home, and all electronic communications sent to or received from such computer or electronic communication equipment for the purpose of ensuring compliance with this and other institutional policies.

In the section entitled "Lockers, Desks, Personal Computers and Offices," the Staff Handbook further states:

All lockers, desks, personal computers, and offices remain the property of NYU Medical Center. Accordingly, the Medical Center may inspect a locker, desk, personal computer, or office at any time, with or without cause or notice. Employees who attempt to deny access or to otherwise hinder such investigation are subject to discipline up to and including termination.

4. During the new employee processing, NYULMC distributes to all newly-hired NYULMC employees the Staff Handbook and the Code of Conduct. At that time, they must sign a form acknowledging that they received these items and that they are responsible for reading, understanding, and conforming to the policies and procedures in both handbooks.

5. Also during the new employee processing, newly-hired employees are provided a copy of the Policy Statement on Privacy, Information Security, and Confidentiality. As a condition of employment, all employees must sign this form acknowledging that they understand the contents of this policy, which includes the following statement:

I understand that the *confidential information* and software I use for my job are not to be used for personal benefit or to benefit another unauthorized institution. I also understand that my institution may inspect the computers it owns, as well as personal PCs used for work, to ensure that its data and software are used according to its policies and procedures.

6. Based upon my review of records maintained by NYULMC, Yudong Zhu was hired by NYULMC as an Assistant Professor in the Department of Radiology in October 2008. On October 20, 2008, Dr. Zhu signed the form acknowledging that received the Staff Handbook and the Code of Conduct and that he was responsible for reading, understanding, and conforming to the policies and procedures in both handbooks. The 2008 version of the Staff Handbook contained the same policies concerning Use of Computer Systems and access to lockers, desks, personal computers, and offices as quoted above.

a. A true and correct copy of the 2008 version of the Staff Handbook is attached as Exhibit A.

b. A true and correct copy of the acknowledgement form signed by Dr. Zhu is attached as Exhibit B.

7. On October 20, 2008, Dr. Zhu also signed the form acknowledging that he understood the Policy Statement on Privacy, Information Security, and Confidentiality.

a. A true and correct copy of the acknowledgement form pertaining to the Policy Statement on Privacy, Information Security, and Confidentiality, signed by Dr. Zhu, is attached as Exhibit C.

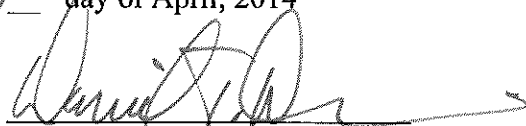
I declare under penalty of perjury that the foregoing is true and correct.

Dated: New York, New York  
April 7, 2014



Nicole Delts  
Assistant Director, Employee and Labor  
Relations  
NYU Langone Medical Center

Sworn to before me this  
7<sup>th</sup> day of April, 2014



Notary Public

DANIEL T. DRIESEN  
Notary Public State of New York  
No. 02DR6091375  
Qualified in Westchester County  
Commission Expires April 28, 2015